Criminal Revision No. 05 of 2001

Hon'ble M.C.Jain,J

Heard the learned counsel for the revisionist and learned counsel for the respondents no.2 and 3

The Magistrate concerned summoned the revisionist , inter alia, for the offence u/s 138 of the Negotiable Instrument Act and rejected his application for being discharged. It is argued by the learned counsel for the revisionist that a civil suit is also pending between the parties in respect of the same cheques and further that the cheques in question had been obtained from him by the respondent no.2 and 3 by coercion.

The pendency of civil suit between the parties with respect to the same subject matter does not debar the respondents no.2 and 3 from filing the complaint u/s 138 of the Negotiable Instruments Act and 420,I.P.C. This Court shall not record a finding of fact on the alleged defence being sought to be raised by the revisionist to challenge the complaint. Nothing more is required to be stated at this stage to save the parties from expression of opinion on merits which may prejudice any of them at the trial.

The revision is dismissed.

(M.C. Jain, J.)

A
24.03.2001